THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1539 OF 2006

Dated:31.01.2006

BETWEEN

Sri Saikrupa Vaddera Labour Contract Society and others.

....PETITIONERS

AND

Malkajgiri Municipality rep. by its Commissioner, Malakajgiri, R.R.District

....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1539 OF 2006

ORDER:

The petitioners 1 to 3 are statedly registered Vaddera Labour Contract Societies and the petitioner No.4 is allegedly a contractor registered with the respondent Municipality. The respondent issued a tender notification, dated 10.01.2006, inviting sealed tenders for as many as 15 works costing Rs.0.75 lakh to Rs.6 lakh. As per clause 7 of the tender conditions, items 9, 11, 14, 15 and 16 in the tender notice are reserved for Scheduled Castes/Scheduled Tribes and Vaddera societies and individuals who happened to be unemployed and retrenched engineers. It is the case of the petitioners that they have made applications to the respondent indenting tender schedules to file civil tenders, in vain. They allege that the petitioners are entitled to the benefit of the Government Orders in G.O.Ms.No.440, dated 12.08.1994, whereby and whereunder, the Vaddera societies are exempted from payment of Earnest Money Deposit to the works costing upto Rs.20 lakh. In this background, the petitioners filed the present writ petition seeking a declaration that clause 8 of the tender notification is illegal and arbitrary, and contrary to the orders of the Government in G.O.Ms.No.440, dated 12.08.1994 and for a further direction to the respondent to accept the applications of the petitioners and issue tender schedules.

At the stage of admission itself, the learned Standing Counsel for the respondent Municipality has obtained instructions and submits that the petitioners have not at all made any applications for tender schedules and therefore, the writ petition is misconceived. He further submits that the instructions in the Government Order would modify and Vaddera Cooperative Societies are not entitled to any exemption in respect of the works, which are not reserved for them.

The learned counsel for the petitioner has placed before this Court the applications allegedly made by the petitioners 1 to 3 to the respondent requesting for tender schedules. A perusal of the Xerox copies of the applications allegedly filed by the petitioners 1 to 3 would not inspire any confidence in the Court. The petitioners have not filed any acknowledgement in proof of their allegation that the said applications are filed. In that view of the matter, no direction can be issued to the respondent to supply tender schedules, especially when today is the last date. However, the respondent may look into the matter as and when the petitioners approach him and take necessary action in the matter.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

31.01.2006

Note: Issue CC today.

(By order)

VGB